

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

SEP 27 2019

JULIAN C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

ALEXANDER TIMOTHY CROSS

)
) Criminal Case No.
)
) In violation of:
)
) 18 U.S.C. §§ 922(g)(4) and 924(a)(2)
)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Michael Talbert, being duly sworn, hereby depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a complaint and arrest warrant under Rules 3, 4, and 4.1 of the Federal Rules of Criminal Procedure.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), United States Justice Department, and am currently assigned to the Richmond Field Office, and have been so employed for over twenty eight years. I have made applications and executions of numerous search and arrest warrants for violations of Federal Firearms and Narcotics Laws, which have resulted in successful prosecution. I am a graduate of the Federal Law Enforcement Training Center, the ATF National Academy, and have received extensive training in firearms and narcotics enforcement techniques, firearms and narcotics interdiction, methods of firearms and narcotics trafficking and distribution from various state and federal agencies.

3. As a result of my training and experience as an ATF Special Agent, I am familiar

with Federal criminal laws.

4. This affidavit is made in support of a criminal complaint to charge Alexander Timothy Cross ("CROSS") with possession of a firearm by a prohibited person, in violation of Title 18, United States Code, Sections 922(g) and 924(a)(2). I know that, pursuant to Title 18, United States Code, Sections 922(g)(4), an individual "who has been adjudicated as a mental defective or who has been committed to a mental institution" is prohibited from shipping, transporting, receiving, or possessing any firearm or ammunition

5. The information contained in this affidavit is based on my personal knowledge of, and involvement in, this investigation as well as other facts and information provided to me by the United States Secret Service ("USSS"), the Buckingham County Sheriff's office, and other law enforcement officers involved in this investigation. I am thoroughly familiar with the information contained in this affidavit through personal exposure to the records, and reports, and through discussions with other law enforcement personnel. The facts compromising the basis for this affidavit are true and correct to the best of my knowledge. I have not included all facts determined in the course of this investigation in this affidavit, but only those facts necessary to establish probable cause to believe that CROSS violated the aforementioned statute.

PROBABLE CAUSE

6. On or about February 10, 2016, CROSS, was arrested for felony assault on a law-enforcement officer in Amelia County, Virginia.

7. Subsequent to this arrest, on or about September 27, 2016, Amelia County General District Court Judge Mayo Gravatt adjudged, ordered, and committed CROSS, who was represented, to an involuntary civil commitment at the Central State Hospital for mental health

treatment. CROSS, was found to be “unrestorably incompetent to stand trial.”

8. Sworn Deputies of the Buckingham County Sheriff’s Office in Buckingham County, Virginia learned from three confidential sources that CROSS had stated that he possessed firearms and that he had an “execution list.”

9. Acting on this information, on or about September 25, 2019, Deputies with the Buckingham County Sheriff’s Office obtained and executed a state search warrant for evidence of purchase, possession, or transportation of firearm by persons involuntarily admitted or ordered to outpatient treatment.

10. The search warrant was for the residence of CROSS, located at 6501 S. James Madison Highway, Dillwyn, VA 23936, which is in the Western District of Virginia.

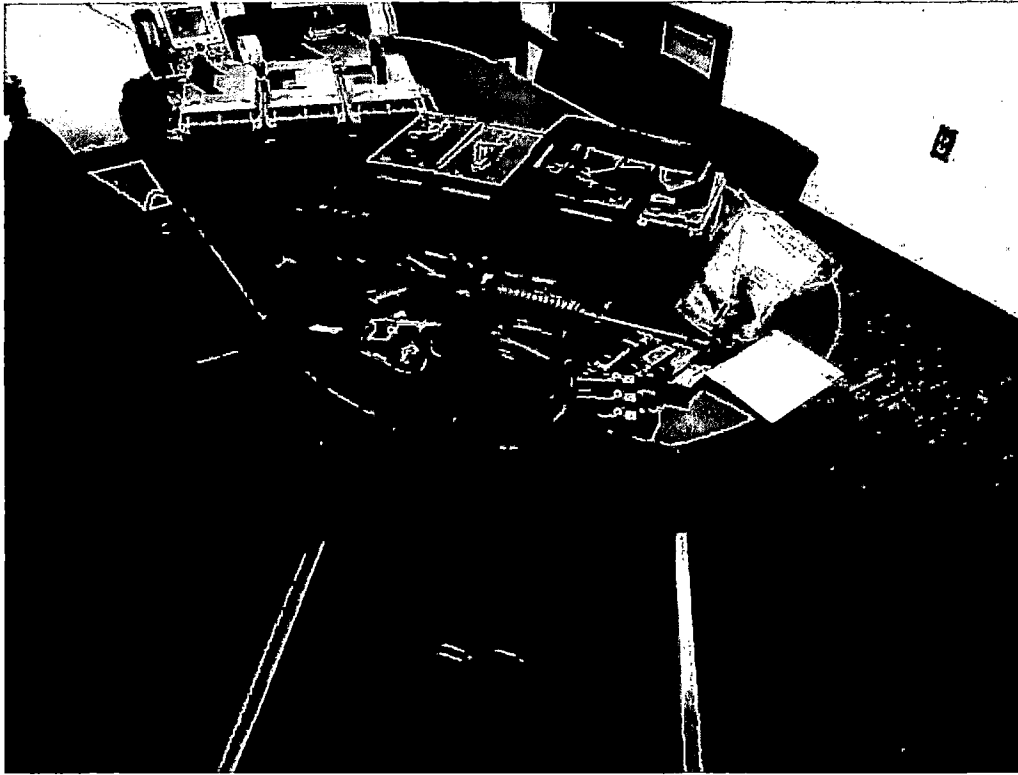
11. During the search, Deputies recovered three firearms from CROSS’s residence. These firearms included:

- a. a HS PRODUKT (IM METAL), Model XDM COMPACT 45 caliber pistol, SN:MG555415 manufactured in Croatia and imported into the United States by Springfield INC.;
- b. A Smith and Wesson, model M&P 15, SN: TJ75291, caliber 556 and or 223, Rifle; and
- c. A Ruger LCP, SN:373-85001, .380 caliber pistol.

12. Additionally, Deputies recovered a large amount of ammunition and a tactical vest.

The following picture displayed in Exhibit 1 shows the items recovered during the search:

Exhibit 1



13. I have been accepted in the Western District of Virginia as an expert in the field of firearms identification and interstate nexus. Based on my past training and experience the aforementioned three items are “firearms” as defined by Federal Law. Furthermore, none of these firearms were produced or manufactured in the Commonwealth of Virginia and therefore, have at some point in the past traveled in foreign and or interstate commerce.

14. On September 25, 2019, CROSS was arrested for a misdemeanor possession of firearms by a person previously deemed mentally incompetent by the courts in Buckingham County, Virginia.

15. On September 26, 2019, USSS Special Agent Richard Moore interviewed CROSS at the Piedmont Regional Jail in Farmville, Virginia. Special Agent Moore was investigating

CROSS regarding credible threats to the President of the United States and other United States Government officials, and other possible violations of federal law.

16. During the course of this interview, CROSS told Special Agent Moore that he had possessed the firearms recovered from his residence. CROSS further stated that he knew he was not allowed to have the firearms and that it was wrong to have them.

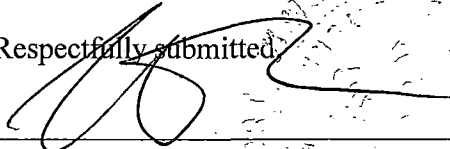
17. CROSS told Special Agent Moore, he had purchased the Smith and Wesson rifle and the Ruger .380 pistol previously described, from an unknown male. CROSS had met the seller online and they agreed to meet at Zions Crossroad, Virginia.

18. CROSS informed Special Agent Moore that he had purchased the aforementioned .45 caliber pistol at a yard sale, which he had found on Facebook.

CONCLUSION

19. Based on the foregoing facts, your affiant concludes that probable cause exist for the issuance of an arrest warrant for Alexander Timothy CROSS, who is violation of Title 18, United States Code, Section 922(g)(4); Any person who has been "adjudicated as a mental defective" or "committed to a mental institution" is prohibited under Federal law from shipping, transporting, receiving, or possessing any firearm or ammunition.

Respectfully submitted,


Michael Talbert
Special Agent, Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Subscribed and sworn to before me
on September 27, 2019


UNITED STATES MAGISTRATE JUDGE